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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of )  
 )  
Administration of the ) CC Docket No. 92-237  
North American Numbering Plan ) Phases One and Two

**REPLY COMMENTS OF MFS COMMUNICATIONS COMPANY, INC.**

MFS Communications Company, Inc. ("MFS"), by its undersigned counsel, hereby submits its reply comments in response to the *Notice of Proposed Rulemaking* in this docket, FCC 94-79 (released April 4, 1994) (the "*NPRM*"). In these reply comments, MFS will address the issues of (1) designation and oversight of a new North American Numbering Plan (NANP) administrator; (2) transfer of the responsibility for assigning central office codes to the new NANP administrator; and (3) implementation of equal access for "1+" dialing of interstate, intraLATA toll calls.

**1. Selection and Oversight of the New NANP Administrator**

There appears to be a general consensus among the parties responding to the *NPRM* that day-to-day administration of the NANP should be vested in a neutral, disinterested party, and should be separated from the formulation and enforcement of numbering policy issues. Some parties have suggested, however, that this administrator should be selected by, and perhaps subject to oversight by, an industry-sponsored "numbering policy" organization. For example, the Alliance for Telecommunications Industry Solutions ("ATIS") has offered to sponsor an industry numbering forum which would, in turn, select the administrative entity.

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MFS believes, however, that the administration of the NANP should be completely separated from industry organizations whose members may have vested interests in the outcome of numbering policy. Both individual telecommunications service providers and industry organizations such as ATIS' proposed numbering forum should certainly have the right to offer their views on numbering policy; and, where those views are supported by a broad industry consensus, they should be entitled to considerable weight. Nonetheless, the ultimate responsibility for formulation of numbering policy should remain with this Commission and with the national regulatory authorities of the other World Zone 1 nations, and the NANP administrator should be responsible to the regulators, not to the industry.

There are both structural and practical problems associated with the concept of an NANP administrator selected by and reporting to an industry-sponsored oversight committee. The structural problem is that would be difficult to structure a truly unbiased and representative industry group to oversee the administrator. For example, although membership in ATIS is now open to all telecommunications service providers (and indeed MFS was one of the first non-LEC members of ATIS), the organization is still closely associated with LEC interests.<sup>1</sup> Most of the industry forums and committees sponsored by ATIS are moderated by Bellcore employees, and participation in these organizations tends to be very heavily dominated by Bell Operating Companies. Simply replacing ATIS with another sponsoring organization would not necessarily result in more neutral administration. As a practical matter, *any* organization whose membership is open to the entire industry will tend to be dominated by those who have the greatest resources

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<sup>1</sup> Until recently, ATIS was known as the Exchange Carrier Standards Association and full membership was limited to LECs.

to devote to participation in the organization. Participation in this type of organization imposes both direct and indirect costs upon any member company—direct costs include travel to and attendance at the organization’s meetings and participation in other activities such as drafting committees; indirect costs include the diversion of a company’s personnel from other business activities. By definition, the carriers with the largest revenues and profits (namely, the dominant incumbents in any given market segment) will always be better able than new entrants to absorb these costs and therefore will be able to devote greater resources to participating in any numbering organization.

For these reasons, *any* industry-sponsored numbering policy committee, whether under the aegis of ATIS or of some other organization, will have an inherent tendency to protect the interests of incumbents and to give short shrift to the interests of new entrants. This structural bias could result in delaying the introduction of new services and interfering with the development of a robust information infrastructure. MFS therefore urges that the NANP administrator be selected under the direction of, and report directly to, the Commission and the other World Zone 1 regulatory authorities. Although the industry should be encouraged to continue efforts to reach consensus on issues of numbering policy, the Commission should remain as the final arbiter of such issues as they relate to the United States, so that interests that may not be fully represented in the industry forum process will receive fair consideration.

## **2. Assignment of Central Office Codes**

In the initial comments filed in response to the *NPRM*, MFS and most other parties supported the Commission’s proposal to transfer responsibility for assignment of central office codes from the LECs to the new NANP administrator. The major LECs that actually assign

central office codes today, however, are divided in their opinions on this proposal. BellSouth supports transfer of this responsibility to the new central administrator (BellSouth at 9). Ameritech (at 4-5), GTE (at 11-12), and Pacific Bell (at 6-7) express willingness to surrender the responsibility for code assignment in their respective operating territories, but suggest that this task should be assigned to locally-based entities rather than centralized in the NANP administration. NYNEX (at 9-11) and Southwestern Bell (at 10-13) suggest that the Commission delay taking any action on this subject until the new NANP administrator has been selected and has had an opportunity to assess the costs and other implications of assuming this added responsibility.

MFS believes that the Commission should not delay the process of transferring central office code assignment responsibilities from the dominant LECs to a neutral third party. MFS would not object in principle to establishing a number of local or regional central office code administrators, as an alternative to assigning this function to the central NANP administration, but is concerned as a practical matter that creating a large number of local administrators would significantly and unnecessarily complicate the selection and transition process. MFS suggests that the Commission establish a target date of December 31, 1996, for transfer of the central office code assignment responsibility (within the United States) to the new NANP administrator.<sup>2</sup> In the interim, however, state regulators may choose to establish their own local administration mechanism for central office code assignments.<sup>3</sup> Any state-sponsored administration should

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<sup>2</sup> The NANP administrator already assigns central office codes in the 809 area code. The responsibility for assignment of central office codes in Canada is a matter for resolution by the appropriate Canadian authorities.

<sup>3</sup> Administration of code assignments on the state level is administratively convenient because Numbering Plan Area (NPA) boundaries in the United States do not cross state boundaries.

meet the same standards discussed above for the NANP administration: the administrator should be neutral, and not selected by or responsible to any segment of the telecommunications industry. If a state does not act to establish its own neutral administration mechanism by the end of 1996, then responsibility for code assignments in that state would be transferred to the NANP administrator.

### **3. Equal Access for 1+ Interstate IntraLATA Calls**

In its initial comments, MFS urged the Commission to implement equal access for interstate, intraLATA calls, so that callers could choose which carrier would complete those calls when dialed on a 1+ basis. The Bell Operating Companies (except for Pacific, which does not address the issue) and GTE uniformly oppose this measure, arguing that they should not be required to provide 1+ access to IXC's for intraLATA calls as long as they are prohibited from providing interLATA services. Several BOC's claim that such a requirement would be tantamount to prohibiting them from providing intraLATA toll service; they argue that customers will not presubscribe to BOC toll service since the BOC's cannot offer a full range of such services.

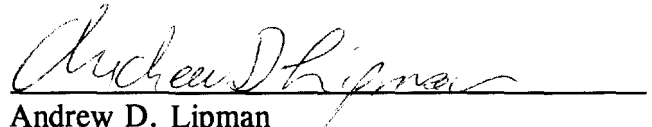
As demonstrated in the initial comments of MFS and Allnet, the BOC arguments are unfounded. Under a "modified 2-PIC" system, customers can be given a choice whether their intraLATA toll calls should be carried by their LEC or by their presubscribed interLATA carrier. This system can be implemented at a very modest cost, and some independent LEC's have already begun to do so. Under the "modified 2-PIC" plan, the BOC's can continue to compete in the provision of interstate, intraLATA toll calls (since customers can elect to continue the existing call-routing arrangements); but IXC's will also have a fair opportunity to compete for this traffic without the existing dialing disadvantage. Therefore, MFS urges the

Commission to adopt a requirement that "modified 2-PIC" access be implemented for all interstate intraLATA toll traffic.

### CONCLUSION

For the reasons stated above, MFS urges the Commission to adopt final rules promptly in this docket. The rules should require the selection of an independent NANP administrator that is directly responsible to the Commission and other national regulatory bodies, not to any industry-sponsored organization. Responsibility for assignment of central office codes within the United States should be transferred to the new administrator as of December 31, 1996, except in any state that establishes a local administration for this purpose before that date. All LECs should be required to implement the "modified 2-PIC" form of equal access for interstate, intraLATA 1+ toll calls.

Respectfully submitted,



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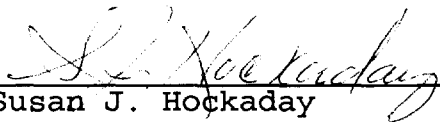
Attorneys for MFS Communications Company,  
Inc.

Dated: June 30, 1994

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of June, copies of the foregoing REPLY COMMENTS OF MFS COMMUNICATIONS COMPANY, INC., have been sent by regular mail, first class, postage paid to the persons on the attached service list.

  
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